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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,333	03/18/2004	Takeshi Idemura	CANO-1005	7006
37013 7590 07/22/2010 ROSSI, KIMMS & McDOWELL LLP. 20609 Gordon Park Square, Suite 150 Ashburn, VA 20147			EXAMINER KHAN, USMAN A	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 07/22/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

Office Action Summary	Application No. 10/804,333	Applicant(s) IDEMURA ET AL.	
	Examiner USMAN KHAN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 18, 23, 26-33, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 18, 23, 26-33, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 05/05/2010, with respect to the rejection(s) of claim(s) 13, 18, 23, 26 - 33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made for claims 13, 18, 23, 26 - 33, and 36 - 37. Since this is a new ground of rejection, which was not done because of an amendment, this action is non-final.

2. Applicant has amended claims 32 – 33 to overcome the 35 U.S.C. 112, first paragraph rejection provided in the previous office action.

3. Applicants have canceled claims 34 – 35 to overcome the objections to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 18, 23, 26, 27, 29, 31, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swayze (US Patent No. 6,519,003) in view of Stockton et al.

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(US PgPub No. 2002/0146250 A1) and further in view of MAKISHIMA (JP2002-123349A).

Regarding **claim 13**, Swayze teaches an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*);

a first function switch configured to be allocated with one of a plurality of functions selectively (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

a second function switch configured to be allocated with another of the plurality of functions selectively (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

an operation switch operated to respectively allocate the one and the other of the plurality of functions to the first function switch and the second function switch for enabling performance of the function allocated to each of the first and second function switches in response to an operation of each of the first and second function switches (figures 2 and 3 item 70); and

a display member which is provided on a first surface and displays a name of each of the first and second function switches (figure 3 item 146; also, column 5 lines 43 *et seq.*), wherein the zooming switch, the first function switch, the second function switch and the operation switch are mutually separate switches (figure 3 item 14, figure 3 any one of item 140, 142, and/or 144, also, figures 2 and 3 item 70).

However, Swayze fails to teach that the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface. Stockton et al., on the other hand teaches that the switches can be provided anywhere within the digital camera such as the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface.

More specifically, Stockton et al. teaches that the switches can be provided anywhere within the digital camera such as the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface (paragraph 0023).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Stockton et al. with the teachings of Swayze to have a quick and easy way of reaching the required buttons when needed hence improving the usability of the camera.

However, Swayze in view of Stockton et al. fail to teach that the display member displays the function allocated to each of the first and second function switches. MAKISHIMA, on the other hand teaches a display member displays the function allocated with function switches.

More specifically, MAKISHIMA teaches a display member displays the function allocated with function switches (figure 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of MAKISHIMA with the teachings of Swayze in view of Stockton et al. to easily understand the function of a button without going back to look at instruction book or instruction software hence improving the user interface and usability of the camera.

Regarding **claim 18**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches an image-taking system (figures 2 and 3) comprising: the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens (figure 2 item 42).

Regarding **claim 23**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding **claim 26**, Swayze teaches an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens

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(figure 3 item 14 and column 5 lines 5 *et seq.*);

a first function switch configured to be allocated with one of a plurality of functions selectively and to be set so as to be allocated with no function (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

a second function switch configured to be allocated with another of the plurality of functions selectively (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

an operation switch operated to respectively allocate the one and the other of the plurality of functions to the first function switch and the second function switch for enabling performance of the function allocated to each of the first and second function switches in response to an operation of each of the first and second function switches (figures 2 and 3 item 70), and operated to set at least one of the first and second function switches so as to be allocated with no function (figures 2 and 3 item 70); and

a display member which is provided on the first surface and displays a name of each of the first and second function switches (figure 3 item 146; also, column 5 lines 43 *et seq.*), wherein the zooming switch, the first function switch, the second function switch and the operation switch are mutually separate switches (figure 3 item 14, figure 3 any one of item 140, 142, and/or 144, also, figures 2 and 3 item 70).

However, Swayze fails to teach that the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface. Stockton et al., on the other hand teaches that the switches can be provided anywhere within the digital

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camera such as the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface.

More specifically, Stockton et al. teaches that the switches can be provided anywhere within the digital camera such as the first function switch being provided on a first surface of the operation apparatus, the second function switch being provided on a second surface of the apparatus separate from the first surface (paragraph 0023).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Stockton et al. with the teachings of Swayze to have a quick and easy way of reaching the required buttons when needed hence improving the usability of the camera.

However, Swayze in view of Stockton et al. fail to teach that the display member displays the function allocated to each of the first and second function switches. MAKISHIMA, on the other hand teaches a display member displays the function allocated with function switches.

More specifically, MAKISHIMA teaches a display member displays the function allocated with function switches (figure 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of MAKISHIMA with the teachings of Swayze in view of Stockton et al. to easily understand the function of a

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button without going back to look at instruction book or instruction software hence improving the user interface and usability of the camera.

Regarding **claim 27**, as mentioned above in the discussion of claim 26 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 26 (please see discussion of claim 26 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding **claim 29**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Stockton et al. teaches that operation switch is provided on the second surface (the switches can be provided anywhere within the digital camera; paragraph 0023).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Stockton et al. with the teachings of Swayze to have a quick and easy way of reaching the required buttons when needed hence improving the usability of the camera.

Regarding **claim 31**, as mentioned above in the discussion of claim 26 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the

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parent claim. Additionally, Stockton et al. teaches that operation switch is provided on the second surface (the switches can be provided anywhere within the digital camera; paragraph 0023).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Stockton et al. with the teachings of Swayze to have a quick and easy way of reaching the required buttons when needed hence improving the usability of the camera.

Regarding **claim 36**, as mentioned above in the discussion of claim 26 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches an image-taking system (figures 2 and 3) comprising: the operation apparatus according to claim 26 (please see discussion of claim 26 above); and the zoom lens (figure 2 item 42).

Regarding **claim 37**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches an operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens is attachable to the camera (figure 2 item 42; lens is attached to the camera).

5. Claims 28, 30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swayze (US Patent No. 6,519,003) in view of Stockton et al. (US

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PgPub No. 2002/0146250 A1) in view of MAKISHIMA (JP2002-123349A) and further in view of Fellegara et al. (US Patent No. 6,441,854).

Regarding **claim 28**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim.

However, Swayze in view of Stockton et al. and in view of MAKISHIMA fail to teach that the zooming switch is provided on the second surface. Fellegara et al., on the other hand teaches that the zooming switch is provided on the top, i.e. second surface.

More specifically, Fellegara et al. teaches that the zooming switch is provided on the top, i.e. second surface (figure 3 item 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fellegara et al. with the teachings of Swayze in view of Stockton et al. and in view of MAKISHIMA so that the user can quickly and easily reach the zoom switch without affecting the viewing angle of the display.

Regarding **claim 30**, as mentioned above in the discussion of claim 26 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim.

However, Swayze in view of Stockton et al. and in view of MAKISHIMA fail to teach that the zooming switch is provided on the second surface. Fellegara et al., on the other hand teaches that the zooming switch is provided on the top, i.e. second surface.

More specifically, Fellegara et al. teaches that the zooming switch is provided on the top, i.e. second surface (figure 3 item 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fellegara et al. with the teachings of Swayze in view of Stockton et al. and in view of MAKISHIMA so that the user can quickly and easily reach the zoom switch without affecting the viewing angle of the display.

Regarding **claim 32**, as mentioned above in the discussion of claim 13 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches wherein the zoom lens is attachable to a camera (figure 2 item 42; lens is attached to the camera).

However, Swayze in view of Stockton et al. and in view of MAKISHIMA fail to teach that the display member is disposed on the first surface and the zooming switch is disposed on the second surface. Fellegara et al., on the other hand teaches that the display member is disposed on the back, i.e. first surface and the zooming switch is disposed on the top, i.e. second surface.

More specifically, Fellegara et al. teaches that the display member is disposed on the back, i.e. first surface (figure 3 item 36) and the zooming switch is disposed on the top, i.e. second surface (figure 3 item 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fellegara et al. with the

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teachings of Swayze in view of Stockton et al. and in view of MAKISHIMA so that the user can quickly and easily reach the zoom switch without affecting the viewing angle of the display.

Regarding **claim 33**, as mentioned above in the discussion of claim 26 Swayze in view of Stockton et al. and in view of MAKISHIMA teach all of the limitations of the parent claim. Additionally, Swayze teaches wherein the zoom lens is attachable to a camera (figure 2 item 42; lens is attached to the camera).

However, Swayze in view of Stockton et al. and in view of MAKISHIMA fail to teach that the display member is disposed on the first surface and the zooming switch is disposed on the second surface. Fellegara et al., on the other hand teaches that the display member is disposed on the back, i.e. first surface and the zooming switch is disposed on the top, i.e. second surface.

More specifically, Fellegara et al. teaches that the display member is disposed on the back, i.e. first surface (figure 3 item 36) and the zooming switch is disposed on the top, i.e. second surface (figure 3 item 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fellegara et al. with the teachings of Swayze in view of Stockton et al. and in view of MAKISHIMA so that the user can quickly and easily reach the zoom switch without affecting the viewing angle of the display.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USMAN KHAN whose telephone number is (571)270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/
Usman Khan
07/14/2010
Patent Examiner

/Jason Chan/

Supervisory Patent Examiner, Art Unit 2622